United Nations S/AC.44/2004/(02)/34/Add.1

Security Council

Distr.: General
1 November 2005

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 28 October 2005 from the Permanent Mission of the Philippines to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of the Philippines to the United Nations presents its compliments to the Chairman of the Committee of the Security Council established pursuant to resolution 1540 (2004) and, with reference to the note of the Chairman dated 2 September 2005, has the honour to submit herewith the reply of the Philippine Government to the request for additional information on the implementation of Security Council resolution 1540 (2004) (see annex).

05-58938 (E) 161105

Annex to the note verbale dated 28 October 2005 from the Permanent Mission of the Philippines to the United Nations addressed to the Chairman of the Committee

State : Philippines
Date of Report: October 2005

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c), and OP 10

State Party to or Member State of	YES	If YES, indicate source information document of national implementation law or other relevant information	Remarks
General Statement on Non-Possession of WMD	X	The Philippines does not possess, develop nor intend to develop WMD.	National Policy embedded in the Constitution
General Statement on Commitment to disarmament and non-proliferation	X	The Philippines reaffirms its strong support to disarmament and non-proliferation.	National Policy
General Statement on non-provision of WMD and related materials to non-State actors	X	The Philippines is fully committed in preventing any form of support to Non-State actors that seek WMD and their means of delivery.	National Policy
Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Signed: 24 Sept. 1996	# 5, II, page 6
Convention on Physical Protection of Nuclear Material (CPPNM)	X	Signed: 19 May 1980	# 5, I. (b), page 5
Biological Weapons Convention	X	Signed: 21 June 1972	# 8, (b), page 12
Chemical Weapons Convention	X	Signed: 13 January 1993	# 8, (d), page 12
Hague Code of Conduct (HCOC)	X	Joined: 25 November 2002	# 8, (h), page 13
International Atomic Energy Agency (IAEA)	X	Joined: 02 September 1998	# 5, page 5

State Party to or Member State of	YES	If YES, indicate source document of national implementation law or other relevant information	Remarks
Nuclear Weapons Free Zone/Protocol (s)	X	Treaty on the Southeast Asia Nuclear Weapons-Free Zone. The Philippines subscribed on 15 December 2005.	See # 8, (e), page 12 of the report
Other Conventions/Treaties		The Philippines is a party to the UN Convention on Transnational Organized Crime and has signed and ratified all of the twelve (12) international instruments against terrorism.	**The Philippines still has to enact a definitive law against terrorism.**
Other Arrangements		1. Wassenaar Arrangement (WA) 2. Australia Group (AG) 3. Zangger Committee (ZC) 4. Nuclear Suppliers Group (NSG) 5. Proliferation Security Initiative (PSI) 6. Missile Technology Control Regime	**Under study**

OP 2 – Biological Weapons (BW)

State : Philippines
Date of Report: October 2005

Measures related to	YES	IF YES,indicate source document of National implementation law	Enforcement: civil/criminal penalties, and others		Remarks
			YES	If, YES, indicate source document if possible	
Manufacture/produce			X	Revised Penal Code	Pending enactment of enabling law, it is making full use of the provisions of its Revised Penal Code to prosecute and punish anyone accused of deliberately causing deaths, injury and/or destruction of property
Acquire					-do-
Possess					-do-
Stockpile/store					-do-
Develop					-do-
Transport					-do-
Transfer					-do-
Use					-do-
Participate as an accomplice in a.m. activities					-do-
Assist in a.m. activities					-do-
Finance a.m. activities					-do-
a.m. activities related to means of delivery					-do-
Involvement of non-state in a.m. activities			-		-do-
other					-do-

OP 2 – Nuclear Weapons (NW)

State : Philippines
Date of Report: October 2005

Measures related to	YES	IF YES,indicate source document of National implementation law	Enforcement: civil/criminal penalties, and others		Remarks
			YES	If, YES, indicate source document if possible	
Manufacture/produce			X	Republic Act 5207	# 6 c page 10
Acquire			X	Republic Act 5207	# 6 c page 10
Possess			X	Republic Act 5207	# 6 c page 10
Stockpile/store			X	Republic Act 5207	# 6 c page 10
Develop			X	Republic Act 5207	# 6 c page 10
Transport			X	Republic Act 5207	# 6 c page 10
Transfer			X	Republic Act 5207	# 6 c page 10
Use			X	Republic Act 5207	# 6 c page 10
Participate as an accomplice in a.m. activities			X	Republic Act 5207	# 6 c page 10
Assist in a.m. activities			X	Republic Act 5207	# 6 c page 10
Finance a.m. activities			X	Republic Act 5207	# 6 c page 10
a.m. activities related to means of delivery			X	Republic Act 5207	# 6 c page 10
Involvement of non-state in a.m. activities			X	Republic Act 5207	# 6 c page 10
other			X	Republic Act 5207	# 6 c page 10

OP 2 – Chemical Weapons (CW)

State : Philippines
Date of Report: October 2005

Measures related to	YES	IF YES,indicate source document of National implementation law	Enforcement: civil/criminal penalties, and others		Remarks
			YES	If, YES, indicate source document if possible	
Manufacture/produce			X	Revised Penal Code	Pending enactment of enabling law, it is making full use of the provisions of its Revised Penal Code to prosecute and punish anyone accused of deliberately causing deaths, injury and/or destruction of property
Acquire					-do-
Possess					-do-
Stockpile/store					-do-
Develop					-do-
Transport					-do-
Transfer					-do-
Use					-do-
Participate as an accomplice in a.m. activities					-do-
Assist in a.m. activities					-do-
Finance a.m. activities					-do-
a.m. activities related to means of delivery					-do-
Involvement of non-state in a.m. activities					-do-
other					-do-

OP 3 (a) and (b) – Account for/Secure/Physically Protect BW including Related Materials

State : **Philippines**
Date of Report : **October 2005**

	YES	IF YES,indicate source document of National implementation law	Enforcement: civil/criminal penalties, and others YES	If, YES, indicate source document if possible	Remarks
Measures to account for production			X	Revised Penal Code	Pending enactment of enabling law, it is making full use of the provisions of its Revised Penal Code to prosecute and punish anyone accused of deliberately causing deaths, injury and/or destruction of property
Measures to account for use					-do-
Measures to account for storage					-do-
Measures to account for transport					-do-
Measures to account for means of delivery					-do-
Other measures for accounting					-do-
Measures to secure production					-do-
Measures to secure use					-do-
Measures to secure storage					-do-
Measures to secure transport		-		-	-do-
Other measures for securing					-do-

	YES	IF YES,indicate source document of National implementation law	Enforcement: civil/criminal penalties, and others		Remarks
			YES	If, YES, indicate source document if possible	
Regulations for physical protection of facilities/materials/ transports			X	Revised Penal Code	Pending enactment of enabling law, it is making full use of the provisions of its Revised Penal Code to prosecute and punish anyone accused of deliberately causing deaths, injury and/or destruction of property
Licensing/registration of facilities/persons handling biological materials					-do-
Reliability check of personnel					-do-
Regulations for genetic engineering work					-do-
Other legislation/regulations related to safety and security of biological materials					-do-
Other					

OP 3 (a) and (b) – Account for/Secure/Physically protect CW including Related Materials

State : **Philippines**
Date of Report : **October 2005**

	YES	IF YES,indicate source document of National implementation law	Enforcement: civil/criminal penalties, and others		Remarks
			YES	If, YES, indicate source document if possible	
Measures to account for production			X	Revised Penal Code	Pending enactment of enabling law, the Philippines is making full use of its Revised Penal Code to prosecute and punish anyone accused of deliberately causing deaths, injury and destruction of property. Provision of RA 6969 and RA 9165 are used to implement the monitoring of chemicals.
Measures to account for use					-do-
Measures to account for storage					-do-
Measures to account for transport					-do-
Measures to account for means of delivery					-do-
Other measures for accounting					-do-
Measures to secure production					-do-
Measures to secure use					-do-
Measures to secure storage		-		-	-do-
Measures to secure transport					-do-
Other measures for securing					-do-

	YES	If YES, indicate source document of National implementation law	Enforcement: civil/criminal penalties, and others		Remarks
			YES	If, YES, indicate source document if possible	
Regulations for physical protection o facilities/materials/ transports			X	Revised Penal Code	Pending enactment of enabling law, the Philippines is making full use of its Revised Penal Code to prosecute and punish anyone accused of deliberately causing deaths, injury and destruction of property. Provisions of RA 6969 and RA 9165 are used to implement the monitoring of chemicals.
Licensing of chemical installations/entities/ use of materials					do
Reliability check of personnel					do
National CWC authority					do
Reporting Schedule I, II and III chemicals to OPCW					do
Secure old chemical weapons					do
Other legislation/regulations controlling chemical materials					do

OP 3 (c) and (d) and related matters from OP 6, and
OP 10 – Controls of CW including Related Materials

State : Philippines
Date of Report : October 2005

Export and other controls	YES	IF YES,indicate source document of National legal framework	Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
			YES	If YES, indicate source document if possible	
Export control legislation in place			X	Revised Penal Code	Pending enactment of enabling law, the Philippines is making full use of its Revised Penal Code to prosecute and punish anyone accused of deliberately causing deaths, injury and destruction of property. Provisions of RA 6969 and RA 9165 are used to implement monitoring of chemicals.
Licensing provisions					-do-
Individual licensing					-do-
General Licensing					-do-
Exceptions from licensing					-do-
Licensing of deemed export/visa					-do-
National licensing authority					-do-
Interagency review for licenses					-do-
Control List					-do-
Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology					-do-
Enforcement agencies/authorities	X	Bureau of Customs/Philippine National Police Control Regulations			# 6, (1), page 11 of the report
Control of importation	X	Bureau of Customs/Philippine National Police Control Regulations			# 6 (1) page 11
Extraterritorial applicability					
Other					

S/AC.44/2004/(02)/34/Add.1

OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

State : Philippines
Date of Report : October 2005

	YES	IF YES,indicate source document of National implementation law	Enforcement: civil/criminal penalties, and others		Remarks
			YES	If YES, indicate source document if possible	
Measures to account for production	X	RA 5207, Code of Philippine Nuclear Research Institute (PNRI) Regulations (CPR)- Part 21			# 6 c page 10 of the report
Measures to account for use	X	RA 5207, CPR Parts 2,3, 7, 8, 11, 12, 13, 14, 15, 16, 18, 19, 24			# 6 c page 10 of the report
Measures to account for storage	X	RA 5207, CPR Parts 2,3, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24			# 6 c page 10 of the report
Measures to account for transport	X	CPR Part 4			#5 d page 6 of the report
Measures to account for means of delivery	X	CPR Part 4			#5 d page 6 of the report
Other measures for accounting					
Measures to secure production	X	RA 5207, CPR parts 2, 3, 21			#6 © page 10 of the report
Measures to secure use	X	RA 5207, CPR Parts 2,3, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24			# 6 c page 10 of the report
Measures to secure storage	X	RA 5207, CPR Parts 2,3, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24			# 6 c page 10 of the report
Measures to secure transport	X	CPR Part 4			#5 d page 6 of the report
Other measures for securing					

	YES	IF YES, indicate source document of National implementation law	Enforcement: civil/criminal penalties, and others		Remarks
			YES	If, YES, indicate source document if possible	
Regulations for physical protection o facilities/materials/ Transports	X	CPR Part 9			
Licensing of nuclear **installations/entities/ use of materials**	X	RA 5207, CPR Part 2			# 6 c page 10 of the report
Reliability check of personnel	X	RA 5207, CPR Part 2			# 6 c page 10 of the report
National regulatory authority	X	RA 5207			# 6 c page 10 of the report
IAEA Safeguards Agreement	X	INF/CIRC 153			
IAEA Additional Protocol					Submitted to the Office of the President for ratification.
IAEA Code of Conduct, Safety and Security of Radioactive Materials	X	Philippine Action Plan on the Safety & Security of Radioactive Materials			# 3 of the report
IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources					
Other Agreements related to IAEA					
Additional #tional legislation/regulations related to nuclear materials including CPPNM	X	CPR Part 9			
Other					

OP 3 (c) and (d) and related matters from OP 6, and
OP 10 – Controls of NW including Related Materials

State : Philippines
Date of Report : October 2005

Export and other controls	YES	IF YES, indicate source document of National legal framework	Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
			YES	If, YES, indicate source document if possible	
Export control legislation in place	X	RA 5207, CPR Part 2			# 6 c page 10 of the report
Licensing provisions	X	RA 5207, CPR Part 2			# 6 c page 10 of the report
Individual licensing	X	CPR Part 2			
General Licensing	X	RA 5207, CPR Part 2			# 6 c page 10 of the report
Exceptions from licensing	X	CPR Part 2			
Licensing of deemed export/visa	X	RA 5207, CPR Part 2			# 6 c page 10 of the report
National licensing authority	X	RA 5207			# 6 c page 10 of the report
Interagency review for licenses					
Control List	X	RA 5207, CPR Part 2, 4			# 6 c page 10 of the report
Updating of lists	X	RA 5207, CPR Part 2, 4			# 6 c page 10 of the report
Inclusion of technologies	X	RA 5207, CPR Part 2, 4			# 6 c page 10 of the report
Inclusion of means of delivery					
End-user controls					
Catch all clause					
Intangible transfers					
Transit control					

Export and other controls	YES	IF YES,indicate source document of National legal framework	Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
			YES	If, YES, indicate source document if possible	
Trans-shipment control					
Re-export control					
Control of providing funds					
Control of providing transport services					
Border Control					
Technical support of border control measures					
Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology					
Enforcement agencies/authorities		Bureau of Customs / Philippine National Police Control Regulations			#6, I, page 11 of the report
Control of importation					
Extraterritorial applicability					
Other					

OP 6, 7 and 8 (d) – Control Lists, Assistance, Information

State : Philippines
Date of Report : October 2005

	YES		Remarks
Control lists – items			
Control lists – other			
Assistance offered			
Assistance requested		1. Training and Equipment for the Philippines' first responders; 2. Border Control; 3. Physical Protection of the Research Reactor, PRR-1; 4. Enhancement and upgrade of container and cargo security in several ports; and 5. Drafting of appropriate laws governing border monitoring.	
Assistance in place (bilateral/plurilateral/multilateral)			
Information for industry	X	Dialogue with industry are being initiated by the National Authority for WMD Inspection and Control.	With the assistance of the United States Government and the Organization for the Prohibition of Chemical Weapons, the Philippines is exploring the possibility of holding an outreach/awareness seminar for Philippine chemical industry in 2006.
Information for the public			